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U. S. Nuclear Regulatory Commission
Ms. Anna Bradford
Chief, Rules Review and Directives Branch
Mail Stop T6-D59
Washington, D.C. 20555-0001

**Subject: DRAFT INTERIM CONCENTRATION AVERAGING GUIDANCE
FOR WASTE DETERMINATIONS, 70 FEDERAL REGISTER
74846, DECEMBER 16, 2005, DOCKET NO. PROJ0735, PROJ0736,
POOM-32**

Reference: Letter, L. W. Camper, U.S. Nuclear Regulatory Commission, to
C. E. Anderson, U.S. Department of Energy, "Draft Interim Guidance on
Concentration Averaging or Waste Determinations," dated December 5,
2005

Dear Ms. Bradford:

In the subject Federal Register notice, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on draft interim guidance on concentration averaging. Washington Closure Hanford LLC (WCH) has reviewed the guidance, and believes that additional clarification is needed regarding the intended scope and applicability of the guidance.

Based on the discussion in the "Background" section of the Federal Register notice and information contained in associated correspondence (e.g., Mr. L. W. Camper, U.S. Nuclear Regulatory Commission, to Mr. C. E. Anderson, U.S. Department of Energy, *Draft Interim Guidance on Concentration Averaging for Waste Determinations*, December 5, 2005), the guidance was developed in response to provisions in Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. Section 3116 was developed to address high-level waste determinations associated with waste in underground tanks. Based on this limited scope of Section 3116, it should be clarified that the guidance is intended only for making determinations in the context of high-level waste in tanks and associated support equipment.

WCH is responsible for managing the Hanford River Corridor Contract, which includes facility and below-ground waste remediation under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as well as management of the Environmental Restoration Disposal Facility (ERDF), a disposal facility for waste generated by CERCLA cleanup actions at the Hanford Site. WCH is concerned that, as currently written, the interim concentration averaging guidance could be interpreted in a

SISF Review Complete

E-RIDS = ADM-03

Washington Closure Hanford

Template = ADM-013

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See - A. Bradford (AHD1)

Ms. Bradford
Page 2

manner that adversely impacts safe, cost-effective remediation of radioactively contaminated waste sites.

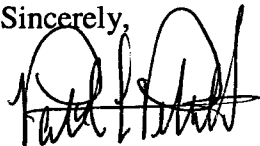
Without additional clarification, the guidance could result in classification of traditionally low-level waste (based on the NRC's 1995 *Branch Technical Position on Concentration Averaging and Encapsulation*) as high-level or transuranic waste. Such a consequence could occur, for example, if the approach for evaluating "thin layers of contamination on vertical surfaces" is applied to residual contamination on underground vaults that require grouting, in contrast to the conclusions that would be reached based on the "solidified mass" approach established in the 1995 Branch Technical Position.

In order to avoid unintended consequences of the draft interim concentration guidance, WCH requests that the final guidance be revised to clarify the following points:

- The guidance is intended only for high-level waste determinations, and is not meant to supersede the 1995 Branch Technical Position
- The guidance is intended only to address high-level waste within underground storage tanks and associated support equipment planned for abandonment in place, or to waste removed from such tanks and equipment for treatment and disposal in a near surface disposal facility

WCH recognizes the importance of this draft guidance and appreciates the opportunity NRC has provided for public comment. If you have any questions on the information submitted in this letter, please feel free to contact Mr. Jeff James on (509) 373-3228.

Sincerely,



P. L. Pettiette
President & Project Manager

BLV:neb

cc: D.H. Butler (WCH) H0-19

CORRESPONDENCE SUMMARY FORM

Subject/Title: Draft Interim Concentration Averaging Guidance for Waste Determination Preparer: Barry Vedder	Date Submitted 01/26/2006	Required Issue Date 1/30/2006
Purpose: Provide comments to Nuclear Regulatory commission on scope of draft guidance on concentration averaging.	<div style="text-align: center;">Concurrence (initial and date):</div> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <input type="checkbox"/> Project Services <input checked="" type="checkbox"/> ESH&Q (Meyer) <input type="checkbox"/> Project Integration <input type="checkbox"/> Engineering </div> <div style="width: 35%;"> <div style="margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 80px; margin: 0 auto;"></div> <div style="text-align: right; margin: 0 auto;">Date</div> </div> <div style="margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 80px; margin: 0 auto;"></div> <div style="text-align: right; margin: 0 auto;">Date <u>1/30/06</u></div> </div> <div style="margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 80px; margin: 0 auto;"></div> <div style="text-align: right; margin: 0 auto;">Date</div> </div> <div style="margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 80px; margin: 0 auto;"></div> <div style="text-align: right; margin: 0 auto;">Date</div> </div> </div> <div style="text-align: center; margin-top: 10px;"> Additional concurrences (organization, initial, date) </div> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <input checked="" type="checkbox"/> C. Kennedy <input checked="" type="checkbox"/> R. Landon <input checked="" type="checkbox"/> R. McPherson X J. James X K. Fecht </div> <div style="width: 35%;"> <div style="margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 80px; margin: 0 auto;"></div> <div style="text-align: right; margin: 0 auto;">Date <u>1/26/06</u></div> </div> <div style="margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 80px; margin: 0 auto;"></div> <div style="text-align: right; margin: 0 auto;">Date <u>1/26/06</u></div> </div> <div style="margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 80px; margin: 0 auto;"></div> <div style="text-align: right; margin: 0 auto;">Date <u>1/30/06</u></div> </div> <div style="margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 80px; margin: 0 auto;"></div> <div style="text-align: right; margin: 0 auto;">Date <u>1/26/06</u></div> </div> </div> </div> </div>	
Issued in response to: Federal Register notice.		
Relevant background/additional context: If improperly interpreted by regulatory agencies, guidance could adversely impact RCC work by causing low-level waste (under current guidance) to be high-level or transuranic waste. Comments request that scope of guidance be clarified in final version to address this concern		